

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:20-cv-00954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL
MANAGEMENT SERVICES, INC.,

Defendants.

**DEFENDANTS' UNOPPOSED
MOTION TO SUSPEND TRIAL ON
OCTOBER 2, 3, 4, AND 11, 2024**

Defendants, Nicholas del Rosso (“Del Rosso”) and Vital Management Services, Inc. (“VMS”) (collectively “Defendants”), through undersigned counsel and pursuant to M.D.N.C. L. R. 40.1, respectfully move to suspend trial on October 2, 3, 4, and 11, 2024, and state:

1. The Court has set trial by jury of this action to commence on September 23, 2024, which trial is expected to continue for fourteen (14) days (through at least October 10, 2024). [D.E. 305]
2. However, the Jewish holiday of Rosh Hashanah commences on the night of Wednesday, October 2, 2024, and ends on the night of Friday October 4, 2024.
3. Trial counsel for Defendants (including lead trial counsel), Justin Kaplan and Sam Rosenthal, will accordingly be unavailable on the dates of October 2,¹ 3, 4, 2024.

¹ Mr. Kaplan resides in Charlotte, N.C., and Mr. Rosenthal resides in the Washington, D.C., area. If trial commences on September 23, 2024, they will be required to travel on October 2, 2024, to observe the holiday with their respective families.

4. In addition, the Yom Kippur holiday begins the night of October 11, 2024. Should trial not have ended before then, Mr. Kaplan and Mr. Rosenthal will also accordingly be unavailable on October 11, 2024.

5. Given the foregoing, Defendants respectfully request the Court to suspend the trial on October 2, 3, 4, and 11, 2024, so that Defendants do not suffer prejudice from the absence of their lead trial counsel.²

6. This motion is made in good faith and not for the purpose of delay.

WHEREFORE, Defendants, Nicholas del Rosso and Vital Management Services, Inc., respectfully request that this Court suspend trial on October 2, 3, 4, and 11, 2024, and grant such other and further relief as is just and proper.

Respectfully submitted, this the 21st day of June, 2024.

**NELSON MULLINS RILEY &
SCARBOROUGH, LLP**

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² Counsel for the parties conferred on June 16, 2024, regarding either seeking a continuance of trial or requesting that the Court suspend trial on the dates set forth herein. Plaintiff does not consent to continuing trial; but he does not object to suspending trial on the requested dates.

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of filing to the following:

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